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Chair: Mr. Tafrov ..... (Bulgaria)

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The meeting was called to order at 3.10 p.m.

Expression of sympathy in connection with the recent tsunami in the Philippines

1. **The Chair**, on behalf of all the members of the Committee, expressed sympathy to the Government of the Philippines in connection with the recent tsunami in its country.

2. *At the invitation of the Chair, the members of the Committee observed a minute of silence.*

Agenda item 64: Report of the Human Rights Council (A/68/53 and A/68/53/Add.1)

3. **Mr. Henczel** (Poland), President of the Human Rights Council, introducing the report of the Human Rights Council (A/67/53), said that the Council had made significant progress in dealing with human-rights issues in the seven years since its establishment. Syria had remained high on the Council's agenda and the mandate of the Independent International Commission of Inquiry for the Syrian Arab Republic had once again been extended. The Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea had also been established, and existing special procedures mandates for that country, and for Myanmar, Iran, Belarus and Eritrea, had been extended.

4. The Council's creative methods of work had facilitated its dialogue with States. Interactive dialogues with high-ranking officials from the Central African Republic and Somalia had been held at the request of the States themselves, a commendable initiative. The Council had continued to discuss human rights issues concerning the Occupied Palestinian Territory and had adopted a number of other country-specific resolutions in the context of technical cooperation and capacity building.

5. During its previous three regular sessions, the Council had held 13 panel discussions on such themes as the impact of corruption on human rights, the contribution of parliaments to the universal periodic review, the rights of children, gender integration and the promotion of technical cooperation in the administration of justice. The Council had also held a high-level panel discussion to commemorate the twentieth anniversary of the Vienna Declaration and Programme of Action and review the achievements, best practices and challenges. The high-level panel on human-rights mainstreaming, held with the participation of senior officials of United Nations agencies and the Secretary-General, had focused on human rights and the post-2015 development agenda, with a special emphasis on the right to education. The panels had benefited from the wide range of perspectives and expertise of representatives from Governments, international organizations, academia and civil society.

6. At its twenty-fifth session in March 2014, the Council would hold a number of panel and thematic discussions on such issues as the right to education of persons with disabilities and the question of the death penalty. The Council had established new special procedures mandates, including both country and thematic mandates, bringing the total number of mandates to 51.

7. In 2013, the Council had adopted 107 resolutions, decisions and President's statements. Many resolutions and decisions had been adopted without a vote, which illustrated that the Council was increasingly able to agree on issues relating to the protection of those in greatest need, and the number of cross-regional initiatives and joint statements had continued to increase.

8. The participation in the Council's high-level segment in March 2013 attested to its growing influence as the main United Nations body dealing with human rights issues, as did the growing number of civil society representatives attending Council proceedings. The active participation of civil society organizations was central to the proper functioning of the Council and made it unique among other United Nations intergovernmental organs. It was therefore essential for representatives of civil society to operate in a free, open and safe environment. He had condemned reprisals and considered it the Council's responsibility to address all cases of intimidation or reprisals and to ensure unhindered access to all who sought to cooperate with the Council and the universal periodic review. In that regard, Council resolution 24/24, in which the Secretary-General was asked to designate a senior focal point on reprisals, was of the utmost importance.

9. Progress had been made towards making the Council's work accessible to persons with disabilities, pursuant to the Convention on the Rights of Persons with Disabilities and in line with the mandate of the Council's task force on the issue. Together with the Council's facilitator on disability issues, he had met with the Chair of the Committee on the Rights of Persons with Disabilities and the Chair of that Committee's Working Group on Accessibility to commit to continued efforts to that end. At every Council session, the work of one panel had been made accessible, in addition to the annual panel on the rights of persons with disabilities.

10. He drew attention to chapter II of the Council's annual report (A/68/53) and the annex thereto, in which resolutions containing recommendations to the General Assembly were listed. Decision 22/115 on the Human Rights Council webcast of March 2013 recommended that the General Assembly should consider ways to ensure sustainable live webcasting and subsequent webcast storage for Council meetings held during the Council's sessions and those of the Working Group on the Universal Periodic Review. In the absence of summary records, webcasting provided the only official record of Council proceedings and was also an invaluable outreach tool, hence the Council's concern at the lack of regular budget funding. The extrabudgetary resources of the Office of the United Nations High Commissioner for Human Rights (OHCHR) might not always be sufficient to provide for that essential service. He had written to the President of the General Assembly to seek that body's support for including a provision in the 2014-2015 biennium budget proposals for webcasting of the Council's meetings. He hoped that Member States would consider that request favourably.

11. Resolution 22/25 on the follow up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict renewed the recommendation that the General Assembly should remain apprised of the matter until it was satisfied that appropriate action had been taken to implement the recommendations contained in the report and ensure justice for victims and accountability for perpetrators. Resolution 23/17 on national institutions for the promotion and protection of human rights welcomed the endorsement by the General Assembly of the strengthening of opportunities for those institutions compliant with the Paris Principles to contribute to the work of the Council. Resolution 24/10 on human rights and indigenous peoples contained a recommendation that the General Assembly should consider changing the title of the United Nations Voluntary Fund for Indigenous Populations to the United Nations Voluntary Fund for Indigenous Peoples. Resolution 24/26 underlined the need for the General Assembly to proclaim the International Decade for People of African Descent and to adopt the relevant draft programme of action. Lastly, Chapter II also contained a resolution on the geographical balance of the OHCHR staff.

12. Currently in its second cycle, the universal periodic review mechanism continued to receive positive feedback from all actors involved. However, it had faced challenges in upholding the principle of universality and avoiding any negative impact of bilateral or territorial issues on the process. To preserve the integrity of the process, he had reminded States that first, the report of the Working Group on the Universal Periodic Review was factual in nature and should reflect what had been said in the room by the State under review and participating delegations; second, all conclusions and/or recommendations contained in that report should reflect the position of the submitting States and/or the State under review and should not be construed as endorsed by the Working Group as a whole; third, all recommendations made during the review should be treated equally and listed only once in the body of the report; fourth, all recommendations should constitute a part of the outcome of the review, and the State under review should communicate to the Council its position on all recommendations received; and lastly, all recommendations should focus on human rights issues and should be consistent with the basis of the review, as defined in Council resolution 5/1. He appealed to all delegations to respect those principles and thereby support the integrity of the review mechanism.

13. Applying all existing practices and rules consistently to all States under review would strengthen the credibility of the review process and help ensure the success of its second cycle. The constructive, consensual and non-politicized approach maintained by the Council in 2013 had encouraged Israel to reengage with the review mechanism. He thanked the Member States that had helped delegations from countries which were far from Geneva or had no Permanent Mission there to attend Council meetings. In that connection, he had participated in the interregional seminar to facilitate the participation of least developed countries and small island developing States in the Council and its review mechanism, held in

Mauritius in July 2013. The Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the work of the Human Rights Council had become operational; he thanked States that had contributed to the Fund and encouraged others to do so. In closing, he asked Member States for their support, through the Fifth Committee, in addressing the issue of the budgetary shortfall that had arisen from the fact that the OHCHR regular budget had not kept pace with the growth in the Council's high number of resolutions and resulting increase in mandates and activities.

14. **Mr. Hisajima** (Japan) said that he wondered how Member States might cooperate more effectively with the activities of the various commissions of inquiry so that those entities, which enabled the Council to engage in objective, expert investigation, would provide the Council with even more useful outcomes. He would also like to know the President's views on the method of public hearings conducted by commissions of inquiry for the purpose of attaining an objective assessment of human-rights situations.

15. **Mr. Strickland** (United States of America) said that his delegation welcomed the Council's renewal of the mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, its focus on freedom of expression and religious tolerance, and its denunciation of reprisals. He commended the extension of the human rights mandates related to the Islamic Republic of Iran, Belarus, Burma, Cambodia, Eritrea, Sri Lanka and the Syrian Arab Republic, and the establishment of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea. The Council had continued to provide technical assistance to States on request and had established mandates to respond to emergencies in Mali and the Central African Republic.

16. His delegation was concerned by the Council's discriminatory treatment of Israel. It called on Member States to abolish the Council's biased agenda item dedicated to Israel and to ensure that the Council addressed human rights in Israel and the Palestinian territories in the same manner as it did human rights elsewhere.

17. **Ms. Kaljulate** (Observer for the European Union) requested further information regarding ways to follow up on the implementation of recommendations emanating from the universal periodic review and enhance the role of various stakeholders; ways in which States could ensure that enough resources were provided through OHCHR to fund the growing number of Council mandates, bearing in mind that the promotion of human rights should remain a high priority even when efficiencies were being sought; and what more could be done to raise the Council's profile on the ground and within the United Nations.

18. **Ms. Schönholzer** (Switzerland) said that the Council should focus more on implementing the recommendations made and the standards established by the Council's existing mechanisms and instruments instead of creating new ones. She wondered how the Council would manage to strengthen the implementation of its recommendations. In view of the growing number of subjects dealt with concurrently and in the same manner by the Third Committee and the Human Rights Council, it might be judicious for the Council to focus more on the substance of human rights issues and for the Third Committee to ensure their integration into the United Nations system and the activities of various United Nations entities on the ground, in order to ensure a better distribution of tasks between the two bodies.

19. **Mr. Medan** (Croatia) said that the Council's Consultative Group, which had a central role in the selection at the twenty-fifth session of candidates for the 18 special procedures mandates, had a particularly heavy workload. He wondered how the Council could best deal with the situation in relation to both the 2014 and future appointments.

20. **Mr. Sparber** (Liechtenstein) said that the Committee should not consider all decisions of the Council which had budgetary implications but should confine itself to those which constituted Council recommendations, namely those requiring action by the General Assembly. His Government did not view Council resolution 24/24 as a recommendation and warned against attempts to politicize its approval by the Fifth Committee. It welcomed the Council's request for the establishment of a senior focal point to address reprisals and intimidation related to cooperation with the United Nations, a long-neglected issue which was growing in importance given the rising number of special procedures and mechanisms.

21. The work of the Independent International Commission of Inquiry on the Syrian Arab Republic

was essential in order to address the situation in the country. The Commission and the Council should appeal to United Nations bodies to act on the Commission's findings and the Council should submit recommendations to the General Assembly regarding the judicial follow-up of crimes. The Commission should focus on the Syrian Government's systematic denial or restriction of humanitarian access to civilians, which could constitute a war crime under international law. Rather than referring to the matter incidentally in its reports, the Commission should examine the practice systematically and identify those responsible at the political level.

22. **Mr. Oliveira** (Brazil), recalling the significant human rights-related challenges faced by the international community in 2013, said that Member States had a collective responsibility to protect civilians and promote peace and respect for international law in a manner that reinforced the legitimacy and credibility of the Organization and of the Human Rights Council. The Council should be able to promote and protect human rights without selectivity, North-South schisms, politicization or double standards and in a manner that enhanced human dignity throughout the world. His delegation hoped the spirit of the Vienna Declaration and Plan of Action — adopted 20 years previously — would remain with the international community, that the recognition of the universal, indivisible, interdependent and interrelated dimensions of human rights would be upheld and that dialogue and cooperation would prevail.

23. As a strong supporter of the Council's methodology, which was based on transparency, non-selectivity and non-politicization, Brazil urged Member States to observe those principles, in particular when considering country-specific General Assembly resolutions. The international community should seriously discuss how to uphold certain fundamental human rights in the digital age, in the light of concerns about national security and criminal activity. To that end, States must reaffirm the inherent value of protecting individual privacy, which was essential for protecting the individual against abuses of power. In that regard, Brazil endorsed the statements made by the High Commissioner for Human Rights on the need to protect the right to privacy in the context of the new information and communications technology.

24. **Ms. Alsaleh** (Syrian Arab Republic) said that she would not respond to the statement made by the delegation of Liechtenstein out of respect for the interactive dialogue with the President of the Council, which should be impartial and non-politicized. She had hoped that the representative of Liechtenstein would refrain from politicizing the dialogue, and she urged him to abide by the rules of the interactive dialogue. Moreover, he should refrain from alluding to the situation in Syria at every opportunity, without rhyme or reason.

25. She would like to know whether the President of the Council would continue working on human rights through the lens of a country-specific approach, or whether he would, instead, open the way for fair discussion of human-rights situations in every country, including the developed ones.

26. **Mr. Henczel** (Poland), President of the Human Rights Council, thanked all delegations for their questions. The follow-up of the universal periodic review on the ground was the main focus of the second cycle, and it was not an easy task, as the increasing number of delegations participating in each review resulted in a growing number of recommendations. The recommendations must be sufficiently precise to be implemented, and he therefore welcomed the trend towards more specific recommendations. It was also important for States under review and the United Nations Secretariat to cluster all recommendations immediately upon completion of the plenary review, in order to facilitate the adoption of the national implementation plan. During the actual implementation phase, Council resolution 16/21 encouraged States to request assistance with implementation or follow-up and indicated that OHCHR might serve as a clearing house for such assistance. That measure was under consideration, and he hoped that it would soon be implemented.

27. The Council's work was far more visible than it had been a few years previously, owing to its constructive working atmosphere, initiatives taken by regional groups and the Council's ability to deal with urgent country-specific and thematic human-rights issues. However, much more could be done to increase its visibility, particularly at United Nations Headquarters and within the United Nations system as a whole. As the de facto main body dealing with human rights issues, the Council must also be more involved in relevant discussions within other United Nations bodies. He strongly encouraged the initiative envisaged

by the New York Office of the High Commissioner for Human Rights to organize post-session briefings.

28. In the interests of both the international community and the States concerned, it was vital to ensure that the commissions of inquiry and the special rapporteurs were provided with the broadest possible information on all matters of interest. The commissions of inquiry should be able to use all tools that fostered transparency, fairness and unhindered access to victims of human rights violations. To that end, hearings represented a step in the right direction.

29. The selection of 18 mandate holders in March 2014 would be a serious challenge for the five-member consultative group to be established in December 2013. In order to avoid a similar bottleneck six years ahead, the consultative group cycle should be adjusted so that, in future, the members were appointed in June and could begin their work earlier.

30. With regard to the politicization that might still exist in Council proceedings, he underlined some trends of importance. Most Council resolutions were tabled by cross-regional groups of sponsors, with the core groups leading informal processes that were as open as possible. That did not mean that the Council was a depoliticized body: it was unrealistic to expect that difficult human rights issues could be dealt with by simple consensus or without tension. It was crucial to ensure that all human rights issues could be discussed, all violations were addressed and no subject was considered taboo; a spirit of dialogue should prevail at the proceedings, and all Council presidents had worked to make such conditions the norm rather than the exception.

31. Moreover, consideration of country-specific resolutions was considerably less tense than in the past. The Group of African States had played a crucial role by sponsoring resolutions under item 10 of the Council's agenda. Such action had led to extremely constructive interactive dialogues on the Central African Republic and Somalia and to the establishment of country-specific mandates on the Central African Republic and Mali. However, voting could not be avoided in the case of certain resolutions, particularly under item 4 of the agenda. The Council must be in a position to address the violation of human rights at the country level under items 4, 7 or 10 in order to retain its current level of credibility.

32. With regard to comments on Council resolution 24/24, he noted that, unlike the General Assembly, the Council was required to work on human rights in close cooperation with civil society representatives. Unfortunately, there had been an increase in intimidation and reprisals against civil society representatives, and the Secretary-General reported annually to the Council on instances of reprisals against persons who had cooperated with special rapporteurs and other United Nations mechanisms. Council resolution 24/24, supported by Member States from all regional groups, addressed intimidation and reprisals with the aim of ensuring the proper functioning of the Council and of the United Nations system as a whole. Whatever the respective positions of delegates in New York or Geneva might be, a strong political signal must be sent that reprisals and intimidation against those who cooperated with the United Nations were taken very seriously by the Organization.

33. **Ms. Bibalou** (Gabon), speaking on behalf of the Group of African States, said that the Group reaffirmed the Council's mandate to promote respect for human rights and fundamental freedoms and make recommendations thereon, as set out in General Assembly resolution 60/251. Cooperation and genuine dialogue with a view to helping Member States comply with their human rights obligations was essential to that mandate; the Council should thus consider human rights issues on a universal, objective and non-selective basis.

34. The universal periodic review was essential to the promotion and protection of human rights. The United Nations Voluntary Trust Fund for Financial and Technical Assistance should therefore have adequate resources so that it could help States implement recommendations emanating from the review. The Group reiterated its support for the work of the Council's mechanisms and special procedures but was concerned by problems with its governance, in particular the erosion of the provisions of the institution-building package, which in the long term could undermine the Council's credibility, and by the unresolved funding shortage which could affect the implementation of its decisions and recommendations. OHCHR played an essential role in ensuring that the Council was appropriately supported in accordance with General Assembly resolution 48/141.

35. The Group supported discussion by the General Assembly of the Council's deliberations, pursuant to General Assembly resolution 60/251. The request for the Secretary-General to appoint a senior focal point to prevent reprisals against those cooperating with United Nations bodies, contained in Council resolution 24/24, was of great importance. However, prior to the appointment, the General Assembly should discuss the matter further and a feasibility study should be conducted to take stock of existing mechanisms within United Nations bodies. The Group reiterated its rejection of such reprisals.

36. **Ms. Schlyter** (Observer for the European Union) said that the Council had succeeded in preserving the universality of the periodic review and had efficiently addressed its growing workload and the many challenges it faced. The European Union was concerned by the reprisals against and intimidation of civil society representatives cooperating with human rights mechanisms, and urged the Council to continue to foster civil society participation.

37. **Mr. Zhang** Guixuan (China) said that 2013 marked the twentieth anniversary of the Vienna Declaration and Programme of Action, which enshrined the universality and indivisibility of human rights. The Human Rights Council should remain fair, objective and non-selective and should respect State decisions on the upholding of human rights in accordance with national conditions. It should facilitate dialogue and cooperation among States on the basis of equality and mutual respect and should promote not only civil and political but also economic, social and cultural rights, including the right to development. His delegation therefore regretted the politicization of human rights by certain States, which engaged in confrontation within the Council and used those rights as a pretext for interfering in other countries' internal affairs while ignoring their own human rights problems. Those States gave unequal treatment to different categories of rights, refused to take into consideration the national conditions of other countries, and attempted to impose their own models on others. Such practices did not contribute to the Council's work or the international human rights cause.

38. His Government participated in the human rights work of the United Nations and promoted those rights domestically. It had recently completed the second round of the universal periodic review, had been elected as a member of the Council for the period 2014-2016 and would work with the other members to uphold human rights.

39. **Mr. Khan** (Indonesia) said that the Council should work in accordance with the mandate contained in General Assembly resolution 60/251, through which it had been established in order to address politicization and double standards in the promotion of human rights. It should therefore uphold those rights fairly, equitably and without distinction and should engage in constructive dialogue on specific human rights situations with the countries concerned. Solutions should not be based on a fixed formula but should fit specific circumstances and be adaptable to new developments.

40. The universal periodic review was vital to the international community's efforts to foster democracy and make progress in human rights. Recommendations emanating from the review should be realistic, and more technical assistance should be provided, in particular to developing countries, for the preparation of national reports and the implementation of recommendations.

41. In view of the increasing number of Council special procedures, mandate holders should continue to work in partnership with Member States and stakeholders in accordance with Council resolution 5/2, and should improve coordination to avoid duplication. They should work professionally, objectively and without politicization, in compliance with the Code of Conduct for Special Procedures Mandate-holders of the Council.

42. **Mr. Lazarev** (Belarus) said that Belarus had implemented almost all of the recommendations emanating from the first cycle of the universal periodic review and was preparing for the second cycle, including by planning events under the auspices of the United Nations Development Programme (UNDP) and OHCHR, with the participation of Governments and civil society.

43. His Government welcomed the Council resolutions drawing attention to the inadmissibility of unilateral coercive measures and called for the establishment of a special procedure to address that issue, or for its inclusion within the mandate of existing special procedures. Certain countries were seeking to impose their political and social development models on the rest of the world and were making a charade of the universal periodic review by

applying double standards. The Council's work was moving away from neutrality, balance and mutual respect in human rights issues and towards harsh lobbying in the interests of certain countries. Since the Council's decisions were adopted by a simple majority, those countries were able to force the inclusion in resolutions and decisions of adversarial provisions not supported by most States. The Council's working methods allowed a group of about 20 States to substitute their own views for the Council's and subsequently to present them as agreed language in decisions to be submitted to the Third Committee and the General Assembly. As an example, the President of the Council had spoken at length about country-specific resolutions in his introductory statement and had referred only briefly to the universal periodic review. That was a dangerous trend which should be addressed by the General Assembly.

44. **Mr.** Diyar **Khan** (Pakistan) said that his Government welcomed the adoption of the outcome of the universal periodic review of Pakistan without a vote. Pakistan engaged with the Council's special procedures mandates through the human rights treaty bodies in Geneva and had received visits from the United Nations High Commissioner for Human Rights, the Special Rapporteur on the Independence of Judges and Lawyers, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances. Member States' engagement with United Nations human rights mechanisms should be based on mutual respect and cooperation. Special procedures should work independently, impartially and transparently within their mandates and should avoid politically motivated country-specific measures.

45. In June 2011, Pakistan had ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and had withdrawn various reservations to the International Covenant on Civil and Political Rights and the Convention against Torture. He paid a tribute to the technical assistance provided by the United Nations in support of the 2013 elections in Pakistan.

46. His Government was concerned by the use of drones in surveillance and combat. It therefore welcomed the emerging debate on the legality and human rights implications of such operations, and the reports of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Special Rapporteur on extrajudicial, summary or arbitrary executions. The Special Rapporteurs should study the matter further and submit clearer recommendations to the Council. His Government was ready to contribute to international consensus-building on the legality of the use of drones and called for the immediate cessation of drone strikes until a legal framework governing their use was finalized.

47. **Mr. Elbahi** (Sudan) said that mandate holders should carry out their tasks without politicization or selectivity, in line with the spirit of their mandate and the Human Rights Council's Code of Conduct. His Government would continue to cooperate with human rights mechanisms, including the Special Rapporteur on the situation of human rights in the Sudan, in order to promote and protect human rights in his country. The Sudan had submitted its report to the universal periodic review process and, having made great strides towards implementing the recommendations, was ready to participate in the second cycle.

48. His Government's adoption of a ten-year comprehensive national plan of action on human rights had reinforced other related efforts to ensure the enjoyment of human rights by all its citizens, without discrimination. Efforts to promote children's rights included accession to the Convention on the Rights of the Child and its two Optional Protocols, in addition to the relevant International Labour Organization conventions; those instruments provided the basis for domestic legislation on children's rights. Moreover, a comprehensive integrated system for the protection of human rights had begun work two years earlier, and child protection units had been established in the armed forces by the Ministry of the Interior. Laws on the armed forces, police and security prohibited the use or recruitment of children by the respective entities.

49. His Government had acceded to the Convention on the Rights of Persons with Disabilities and had enacted a law on persons with disabilities in 2009, in addition to establishing a national council on persons with disabilities.

50. The Sudan had established a strategy on protecting the rights of women and a special unit tasked with addressing violence against women. Women's

participation in economic and other activities was encouraged. The implementation of all national projects and international commitments on human rights was the responsibility of the Sudanese National Commission for Human Rights, which had been established in line with the Paris Principles and had begun its activities two years earlier. His country was working with neighbouring countries with which it had concluded bilateral agreements to prevent certain violations, particularly trafficking in persons and in organs.

51. His delegation hoped that the Council would be able to conduct its work to promote and protect human rights without injecting into it any ideas on which no internationally agreed understanding existed. Any new mechanism that the Council wished to establish must meet with the approval of Member States.

52. **Ms. Rasheed** (Observer for the State of Palestine) said that the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, had noted in its report to the Council (A/HRC/22/63) that the Government of Israel had been carrying out illegal settlement activities since 1967 with the aim of annexing Palestinian land by changing the demographic composition, character, geographical nature and status of the Territory, thus preventing the establishment of a viable Palestinian State and undermining the right of the Palestinian people to self-determination. The occupying Power was continuing to construct the separation wall, 95 per cent of which was on Palestinian land, while checkpoints, obstacles to movement and the permit regime associated with the wall impaired the Palestinian people's social and economic life and violated their human rights.

53. Israel's illegal colonization campaign was a serious breach of international law and constituted a war crime. The occupying Power's plan to build 20,000 settlement units in Occupied Palestine, unmasked recently by an Israeli non-governmental organization, revealed Israel's contempt for United Nations resolutions and for the international consensus that settlement activities should cease. By continuing with its settlement campaign, Israel was violating its obligation under the Rome Statute of the International Criminal Court not to transfer its population to the Occupied Palestinian Territory. The violence and intimidation perpetrated by a minority of settlers with the aim of forcing Palestinians off their land affected all spheres of Palestinian life. Protected by the Israeli Government, the extremists killed and injured civilians, destroyed property, contaminated water supplies and agricultural land, and desecrated religious buildings.

54. Israel could no longer be allowed to flout the law and should bear the consequences of its disdain for the international system. The international community should implement the fact-finding mission's recommendations, end the settlement activities and ensure accountability for human rights violations. Israel should withdraw all of its settlers from occupied Palestine and compensate its Palestinian victims.

55. **Mr. El Mkhantar** (Morocco) said that widespread sociopolitical upheavals and crises constituted significant challenges to the Council's work. Only concerted action would enhance its visibility and ensure that its efforts on the ground and in building States' capacity to meet their human rights commitments were transparent, professional and independent. The Council had often established a common position regarding a particular situation in order to send a strong message from the international community and it played a crucial role in ensuring respect for justice, equity and equality. The establishment of a human rights system based on openness, understanding, dialogue and consultation would foster a spirit of compromise and enhance cooperation. The Council should maintain the momentum of its work to counter doctrines of hate, exclusion and racism. He reminded the Committee that the 1965 International Convention on the Elimination of All Forms of Racial Discrimination, produced by a working group chaired by Morocco and adopted while Morocco was Vice-Chair of the Committee, had been the first such instrument to be accompanied by an implementation monitoring mechanism.

56. **Mr. Raja Zaib Shah** (Malaysia) said that his delegation supported the proposal that the Committee should take action on the recommendations made by the Human Rights Council, which would allow fuller treatment of human rights issues. It was encouraging to note that the Council's work had continued in accordance with General Assembly resolution 65/281 and Council resolution 16/21.

57. The challenges described in the report were a reminder that human rights issues should be addressed

through enhanced cooperation and dialogue, without selectivity or double standards. The human rights situation in some parts of the world was deteriorating because of conflict, political upheaval and foreign occupation. The international community should exercise moderation and refrain from taking unilateral action to resolve those conflicts. Although various country-specific situations required the Council's attention, thematic issues should be given a higher priority. The global economic crisis continued to affect vulnerable groups, while global warning was causing natural disasters, soil quality was deteriorating and population increases were causing food insecurity. Member States should therefore uphold economic and social rights and the right to food through their economic policies.

58. His delegation supported the efforts of the President of the Council to strengthen the universal periodic review and ensure the equal treatment of all Member States. The review was a more credible and transparent means of promoting human rights than the country-specific resolutions preferred by some States. Those participating in the Council's work should discuss human rights issues with dignity and respect.

59. **Ms. Changtrakul** (Thailand) said that her Government supported the efforts to improve the work of the Council and strengthen human rights instruments, and had participated in the working group which had drafted the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. Work in the field of human rights should be based on the principles of universality, impartiality, objectivity, inclusivity, democracy and the rule of law. In view of the increasingly broad scope of the work of OHCHR, therefore, she urged the members of the Fifth Committee to increase its regular budget. The Office's efficiency should also be improved through better priority-setting, although not at the expense of field operations. While not wishing to encourage undue dependence on voluntary contributions, her delegation welcomed the increase in contributions that were not earmarked for specific uses.

60. A balance should be found in the draft thematic strategies of OHCHR for the period 2014-2017 between economic, social and cultural rights and civil and political rights. Human rights and the rule of law should be incorporated in the post-2015 development agenda and respected throughout the United Nations system.

61. At the twenty-fourth session of the Council, her Government had announced its first contribution to the Voluntary Fund for Technical Cooperation in the Field of Human Rights. Technical assistance and capacity-building would help States to implement the recommendations of various bodies and fulfil their human rights obligations. Thailand would be a candidate for a second term as Council member for the period 2015-2017.

62. **Mr. Agamah** (Nigeria) said that the Council had made much progress in carrying out its mandate and that the universal periodic review was one of its major successes. The equal allocation of speaking time for all delegations was a positive development. Nigeria noted with appreciation the work carried out by the Council's Task Force on Accessibility for Persons with Disabilities and called for more facilities to expand their participation in the activities of the Council. The greater transparency afforded by webcasts of regular and special sessions was also commendable.

63. Nigeria was concerned by the financial constraints faced by special procedures mandate holders, who played crucial roles in the promotion and protection of human rights, and called on the General Assembly to allocate adequate resources to them from the regular budget. It was not ideal to have 45 per cent of their funding coming from voluntary contributions.

64. Nigeria recognized the important role played by civil society and welcomed the access that the Council granted to NGOs in its willingness to ensure that the voice of the people was heard. His delegation remained committed to working in a constructive manner with its counterparts to advance the work of the Human Rights Council.

65. **Ms. Mørch Smith** (Norway) said that her delegation commended the President of the Council for securing Israel's participation in the universal periodic review, which had confirmed the universality and legitimacy of the process. The Council was increasingly capable of addressing a wide range of important human rights challenges, taking decisions that made a difference on the ground and establishing mandates that secured monitoring, analysis and policy making in many difficult and complex areas. In that regard, she cited the adoption in 2013 of several resolutions on the protection of human rights defenders, on reprisals and on creating space for civil society; the establishment of four new country-specific

mandates; and the endorsement in 2011 of the Guiding Principles on Business and Human Rights, which helped to provide a crucial drive for business reforms and government initiatives to improve working and living conditions in all regions. While Norway valued the Council as a forum with strong potential for fact-based cross-regional agreement on issues of increasing global importance, it would have liked to see stronger decisions taken, including on the protection and promotion of the rights of women and of lesbian, gay, bisexual and transgender persons and on country-specific human rights crises.

66. The work of the Council was expanding but its secretariat, OHCHR, and Member States were unable to keep pace with the new initiatives in Geneva and in the field. In a context of chronic under-funding, further cuts had been proposed in the regular budget of OHCHR. The Office increasingly depended on voluntary contributions, including for mandatory activities and field operations. Member States should ensure that OHCHR could fulfil its mandate in the light of increasing demands. With ever more panel debates and interactive dialogues and record-breaking numbers of resolutions in 2013, smaller missions were unable to follow the increasingly heavy agenda in a suitable manner. States would have to address that situation in 2014 as it was not sustainable and could impair the quality of the Council's work.

67. **Mr. Errázuriz** (Chile) said that Chile believed in the enormous potential to be tapped when women exercised their rights and had long been promoting the mainstreaming of gender in all areas of the United Nations work and was committed to the implementation of Council resolution 6/30, as evidenced by Chile's annual organization of two Council panels on gender issues. His country had also supported a proactive approach and the Council resolutions that addressed the numerous and increasing threats and attacks against civil society actors. Given the many activities and initiatives implemented by the Council, it was essential for those actors to be able to seek, secure and utilize the resources needed to achieve their goals. His delegation had therefore voted in favour of Council resolution 24/24, so that the United Nations could respond in a unified, rapid and effective manner to dissuade those attacks.

68. Chile advocated a cooperative, gradual, flexible and comprehensive approach to addressing human rights situations, particular in country-specific contexts, in accordance with the mandate and powers of the Council. Ignoring such situations would risk permanently undermining its credibility. That was important not only for cases of technical assistance, but also for situations that required the attention of the Council under item 4 of its agenda and where warning, denunciation or emergency mechanisms could be used as necessary. In such cases, Chile had always favoured cross-regional initiatives.

69. The Council had played an important role in the grave crisis in the Syrian Arab Republic, and had recently adopted its thirteenth resolution on that issue. Chile supported the Council's call for a negotiated political solution to the crisis. His country had repeatedly emphasized the urgent need to bring an end to all forms of violence, regardless of its origin, as well as the need for accountability. Furthermore, cognizant of the complexities of conflict and eager to reduce any aggravating factors, his delegation had also voted in favour of Council resolution 24/35 on the impact of arms transfer on human rights in armed conflict. It was vital for the Council to send the right message in requesting States to refrain from selling weapons to parties in an armed conflict when they risked being used to commit or facilitate serious violations of human rights and international humanitarian law.

70. **Mr. Eshragh Jahromi** (Islamic Republic of Iran) reaffirmed his country's support for the work and function of the High Commissioner for Human Rights and her Office, within the mandate set out in document A/48/141. Continued efforts were needed to ensure that the Council was a medium of constructive dialogue and cooperation and to avoid selectivity, double standards and politicization of human rights.

71. The Republic of Iran, along with other developing countries, had actively contributed to the work of the Council with a view to preventing the long-standing politicization and manipulation of the mechanism by a few countries. Council resolution 22/23, which had been adopted as a result of strenuous attempts by certain countries, and the appointment of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran were superfluous and unfair in view of Iran's ongoing cooperation with the United Nations human rights mechanisms. The universal periodic review was designed to prevent the monopolization of the human rights machinery by a few States and to monitor and address the human rights situations of all Member States. It was therefore

unfortunate that certain countries reverted to the practice of the disparaged Human Rights Commission by proposing country-specific resolutions in the Human Rights Council, to the detriment of the Council's cooperative approach. His country's unyielding and genuine commitment to the promotion and protection of human rights was based on the noble values and principles of Islam enshrined in the Constitution and, despite the aforementioned political attacks, it would maintain its close cooperation with the Council to realize their shared objectives.

72. **Mr. Montwedi** (South Africa) said that his country supported the mandate of the Human Rights Council, which was a subsidiary body of the General Assembly. As such, the discussion of its decisions and resolutions should not be duplicated in the Third Committee. South Africa remained committed to the spirit and vision embodied in article 13 of the Proclamation of Teheran concerning economic, social and cultural rights and the role of sound and effective national and international economic and social development policies. As the current financial and economic crises would have a negative effect on the equal implementation of the Council's numerous recommendations, the universal periodic review had a pivotal role in the work of the Council with regard to States' fulfilment of their human rights obligations and improving the situation on the ground. The United Nations Voluntary Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review must therefore be adequately funded.

73. South Africa attached great importance to the work of OHCHR within its mandate as outlined in General Assembly resolution 48/141 and called for a more visible allocation of resources. The Office should also ensure that the post-2015 development agenda did not deflect attention from the achievement of the Millennium Developments Goals. His delegation appreciated the Council's work in the practical enjoyment of economic, social and cultural rights — though more could be done in that area — as well as in the area of human rights responsibilities of transnational corporations.

74. Programmes, decisions and resolutions addressing racism and discrimination must be fully implemented and funded. Deeply concerned about the proposed programme budget for the biennium 2014-2015, which reduced funding for the follow-up and implementation of the Durban Declaration and Programme of Action and associated fellowship programmes, his delegation reiterated the call for a more equitable allocation of funding to implement the Programme of Action. South Africa attached great importance to decisions and resolutions on the matter and remained concerned about the lack of progress in ensuring that the Group of Eminent Persons fulfilled its mandate. His country also welcomed the attention given by the Council to the situation of human rights in the occupied Palestinian territories, as the practical enjoyment of all human rights and fundamental freedoms hinged on the realisation of the right to self-determination of the Palestinian peoples.

75. Recent attempts to erode the provisions of the Council's institution-building text compromised the work, authority and credibility of the Council. It was incumbent on the Council to promote dialogue and cooperation consistently; matters with serious political ramifications should always be considered by the full membership of the General Assembly. South Africa therefore shared the concerns expressed by other delegations with regard to the adoption of Council resolution 24/24 and the designation of a United Nations-wide senior focal point on reprisals. The matter required further reflection and deliberation by the General Assembly, and domestic jurisprudence should be utilized to deal adequately with intimidation or reprisals.

76. **Mr. Alimbayev** (Kazakhstan) said that Kazakhstan was committed to the fundamental principles of international law, which were pivotal for a sustainable, universal and effective global human rights architecture. Consequently, appropriate budgeting and strengthening of the Council and its special procedures, the universal periodic review mechanism and institution of Special Rapporteurs were required, as was support for other United Nations human rights mechanisms. It was also necessary to implement civil, political, economic, social and cultural rights at national, regional and global levels, paying particular attention to vulnerable groups. The Council should always maintain a balance between political and civil rights, and economic, social and cultural rights and it must also respond effectively and consistently to the many challenges that it faced.

77. His Government was firmly committed to strengthening its cooperation with the human rights treaty bodies. Kazakhstan had acceded to almost all of the main international human rights instruments and

had extended a standing invitation to all special procedures mandate holders, four of whom had visited Kazakhstan in the previous four years.

78. There was an urgent need to reinforce international stability and security. The constructive interaction of peoples, religions and States was particularly important. Kazakhstan had consistently called for a strengthening of the global human rights protection architecture to raise the profile of the charter-based and treaty-based human rights bodies. A critical analysis of events at international, regional and domestic levels would help to protect society from many forms of extremism in the future. Rather than avoiding the consideration of complex issues, the Council should carry out efficient and constructive monitoring and take balanced decisions. The Council should also build the confidence of Member States and further develop an equitable dialogue by ensuring that external sources of information were reliable and by allowing Member States the right of reply.

79. **Mr. Ntwaagae** (Botswana) said that his delegation called on OHCHR to continue to engage with other human rights mechanisms to streamline resources, both human and financial. The dialogue with the President of the Human Rights Council was in no way intended to reopen debates or undermine the decisions and conclusions reached in Geneva. Botswana continued to participate actively in the proceedings of the Council, contributing to the adoption of resolutions and decisions and noted with satisfaction that Member States had actively engaged through the universal periodic review mechanism to further strengthen their national human rights policies and programmes. He was also pleased to report that Botswana had agreed to almost 90 per cent of the recommendations stemming from the second cycle of the universal periodic review in early 2013.

80. Botswana shared the concern of many States with regard to the proliferation of Council mandates. Some of the newly created mandates overlapped with previously existing ones and might hinder the Council's efficiency and effectiveness; the situation had already overburdened OHCHR. His delegation therefore called on OHCHR to streamline its work and consider mainstreaming human rights in the United Nations system. The treaty body strengthening process should help to address the challenges faced by OHCHR. Those concerns notwithstanding, Botswana valued the work of the special procedures mandate holders and the important role of the treaty bodies in monitoring the implementation by States parties of human rights instruments.

81. While no country had a perfect human rights record, his delegation remained concerned about the deteriorating situation in some countries, including some that were still on the Council's agenda. Botswana therefore encouraged Member States to respect their human rights obligations under international human rights and humanitarian law.

82. **Mr. Rahman** (Bangladesh) said that the universal periodic review mechanism had proved its universality and effectiveness by being non-selective and by involving all States regardless of size, influence or level of development. The peer review had the potential to create an environment of trust and mutual understanding. Bangladesh had always supported the work of the Council, as demonstrated by the country's acceptance of as many as 164 recommendations from Member States during the second cycle of the review process early in 2013. While noting the importance of special procedures, their relevance, particularly that of country-specific mandates, should be re-examined in view of the growing popularity of the universal periodic review. Were the 50 existing mandates all necessary and were they not overstretching the capacity of OHCHR? The Council should exercise care in establishing new mandates to avoid unnecessary proliferation and duplication. Bangladesh appreciated the continued attention given to the human rights situation in the State of Palestine and urged the Council to remain seized of the issue until the right to self-determination of the Palestinian people was realized.

83. Turning to the recently adopted Council resolution 24/24, his delegation agreed that all acts of reprisal were unacceptable. However, it was concerned at the hasty decision to establish a United Nations focal point. An in-depth study of the usefulness of such a post was needed, particularly given the current austerity measures with regard to budgeting and post creation, even in critical areas. Furthermore, such a decision should only be taken through extensive consultation in the General Assembly. The Human Rights Council should focus on constructive dialogue within its mandate in order to bring real change through cooperation and mutual understanding, rather than naming and shaming or drawing attention to perceived shortcomings.

84. **Mr. Desta** (Eritrea) said that human rights were best promoted and protected through genuine dialogue and cooperation, for which the universal periodic review remained a valid mechanism. However, the novel and constructive approach of the review was undermined by some countries seeking to revert to past methods that had discredited the Commission on Human Rights. The Human Rights Council must address that serious challenge in order to maintain its credibility and legitimacy. It must move forward and would be effective in its mandate only by fully adhering to its founding tenets. The Council would be truly at the service of humanity if it eliminated double standards, selectivity and politicization of human rights issues and could elevate human rights standards through constructive engagement and institution building, as opposed to establishing politically motivated country-specific mandates. There should be no hierarchy among human rights and equal attention should be given to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, while integrating those rights in the post-2015 development agenda as a priority. The full enjoyment of all human rights could only be guaranteed in conditions of peace, security and stability.

85. **Mr. Alemu** (Ethiopia) said that national civil societies had an important contribution to make in the collective effort to promote and protect human rights, irrespective of ideology, religion, politics or gender. The Federal Constitution of Ethiopia fully guaranteed human rights and fundamental freedoms and welcomed the role of civil society in that area. Civil society actors contributed to democratic order and good governance through their work with various Government bodies. Their participation must, however, be in line with national legislation, the principles and purposes of the Charter of the United Nations and universally recognized international legal obligations, as well resolution 1996/31 of the Economic and Social Council. Civil society organizations must also recognize their responsibility to abide by domestic laws in carrying out their functions. Ethiopia's national legislation on civil society combined those critical and mutually reinforcing elements as the basis for harmonious collaboration between civil society and relevant Government institutions.

The meeting rose at 6.20 p.m.